



Oral History

Of
Bob Davison
Interviewed by John Cornely

Name: Bob Davison
Date of Interview: February 25, 2012
Location of Interview: Corvallis, Oregon
Interviewer: John Cornely

Positions Held: Washington D.C. Professional staff member on the Committee on Environment and Public Works, and Subcommittee on Environmental Pollution; Deputy Assistant Secretary for Fish and Wildlife and Parks under first Clinton administration; Wildlife Management Institute as the Northwest field representative; Defenders of Wildlife as senior advisor to Jaime Clark; teaching at Oregon State.

Colleagues and Mentors: Senator John Chafee, Senator George Mitchell, Senator Quentin Burdick, Senator Bob Kasten, Gina DeFerrari, Gary Myers

Most Important Issues: North American Wetlands Conservation Act

Brief Summary of Interview: Mr. Davison talks about his time in Washington D.C. working under committees and subcommittees under various Senators. He talks about legislation he worked on while on those committees, and about some of the Acts that were passed that he wrote or helped write. Mr. Davison's performed other jobs in D.C before he and his wife Kate would move to Corvallis, Oregon, where he now teaches a few classes at Oregon State.



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JOHN: This is John Cornely with the U.S. Fish and Wildlife Service Heritage Committee. It's February 25, 2012, and we're in Corvallis, Oregon, at the USGS Office. And I'm here with Bob Davison this afternoon to continue some of our oral histories into the history of the North American Waterfowl Management Plan, and he has a unique perspective and some unique information to share with us. So with that, Bob, if you would tell us a little bit about your background and go on from there.

BOB: As far as background, I grew up in northern New Jersey. I did my undergraduate work at Penn State, where I got a bachelor's in political science actually. And then after a brief stint in grad school in political science at the University of Iowa, I came back and went on to the University of New Hampshire where I got a master's degree in wildlife at the University of New Hampshire, and then from there, that was with Bill Mautz working on fishers. And from there went to Utah State where I worked under the Fish and Wildlife Service's Predator Ecology and Behavior Project with Fred Knowlton, and did a Ph.D. looking at the population dynamics of coyotes. And then on completing my Ph.D. at Utah State, then I left to take a faculty position at South Dakota State University in Brookings.

JOHN: And give us a time frame?

BOB: So my Ph.D. was completed in 1980, and the fall of 1980 I went to

South Dakota State. And there, at the time on the faculty among others, Ray Linder and some others, but also Alan Wentz.

JOHN: That's right.

BOB: And Alan, shortly after I arrived, Alan and I worked a little bit on projects together but then he left to take a job with the National Wildlife Federation in Washington D.C. and started talking to me about coming and joining him in D.C. And this was the era of James Watt in the early years of the Reagan Administration and trying to fund the Cooperative Wildlife Research Unit and then sort of drawn in lobbying, a lot of us did, on lobbying for the co-op units and the long and short of it is I left South Dakota State after just a year and went to work for Alan Wentz at the National Wildlife Federation. And partly because, I'm sure, of Alan's interest and also then mine from being in South Dakota, one of my interests was wetlands conservation. So under Alan's leadership of NWF's Fisheries and Wildlife Division, my work was really focused on two things and one was wetland conservation, one was endangered species conservation. And those were the two things consequently I really wound up spending all my time on. And on wetland conservation, principally Section 404, The Clean Water Act, but other wetland programs as well. And so I worked at the Wildlife Federation until 1985, for four years, and then got asked to work for the Committee on Environment and Public Works in the Senate, which is the



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committee that handles all the programs of the U.S. Fish and Wildlife Service as well as laws such as the Clean Water Act. Senator Robert Stafford was the committee chairman at the time, a Republican from Vermont, and John Chafee, the Republican from Rhode Island, was the subcommittee chair on, what at that time was called the Subcommittee on Environmental Pollution. And so I went up in '85 to work for the Subcommittee on Environmental Pollution working for John Chafee principally, but you're always technically working for the committee chair as well; Stafford. And there I kind of continued my interest with work on 404 and one of the first things I worked on was, and wrote at least portions of it, was the Emergency Wetlands Resources Act there in 1986. And that was passed toward the end of the congressional session in 1986 when I was working with John Chafee. So that was nice, that was an interest of mine. Well, then the Senate changed hands in '86 and the Democrats came into the majority and at that point, then Senator Mitchell became the Subcommittee chair instead of John Chafee, and Senator Mitchell, George Mitchell, was from Maine, of course. And so he asked me to come and work for him doing essentially the same thing I was doing, handling the fisheries and wildlife and wetlands legislation. And being what it is, the committee handles all the programs of EPA, as well as transportation programs, principally the highway bill, also water resources development, a lot of that. So the fish and wildlife stuff is, from the

committee's perspective, certainly minor portion of the committee's. The whole time I worked on the Committee Environment and Public Works, which was about nine years, I was really the only person working on fisheries and wildlife things for the majority at least. And for some of the years I was the only person on the committee working on those issues for the majority and minority, because I had staffed John Chafee, the ranking minority member, he was comfortable with me, so sometimes I wound up staffing the ranking minority member and the subcommittee chairman, George Mitchell.

JOHN: It's a unique thing.

BOB: A rare thing, something that doesn't happen anymore because at that time, at least on matters of the environment, John Chafee and George Mitchell saw things very similarly. And there wasn't as much as a dichotomy anyway, generally, in members of congress at the time; there were certainly disagreements. So in, of course, that means the beginning of 1987 I was working for George Mitchell as his staff person and also then, because you're always working technically with the full committee chairman who hires you and is paying your salary, and that's not just technically but actually is paying your salary. So the full committee chairman was Quentin Burdick from North Dakota and so I was always working for Senator Burdick at least in name, although I didn't really do much for him directly and George Mitchell was the



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subcommittee chairman. And the plan [North American Waterfowl Management Plan] was signed in '86, and I would regularly attend, at that time what was the International Association of Fish and Wildlife Agencies annual meetings and September meetings and things like that. And after the plan was signed, I started attending the Plan Implementation Committee meetings because I was interested in wetlands conservation and that type of thing. And working in 1987, we were working on legislation to do some amendments to the law that established the National Fish and Wildlife Foundation. And one of the things that we did when we amended the law I worked on in 1987, was to enable the Fish and Wildlife Foundation to accept donations and appropriation of federal dollars to then support conservation projects in other nations, which I was greatly interested in and I'll backtrack a little bit, because some of this stuff kind of happens somewhat concurrently. The thing that struck me from the plan implementation committee meetings and some of the international meetings to the North American meetings, was just what was beginning to happen in that although the plan didn't specify any means by which it would be funded, it just had goals, in terms of habitat, was with what I was interested in, not the population goals but the habitat goals, but there was no source of funding. And, of course, there was a great deal of creativity out there in terms of how to get that done. I talked a lot with Gary Myers, the Executive Director of the Tennessee Wildlife Resources Agency, and sat through the

Plan Implementation Committee meetings, a lot of them. And it's just really interesting to see how states were willing to come together and use state money to match other dollars and willingness to do that with matching Foundation dollars to fund waterfowl habitat work in Canada, which just really blew me away. I could envision the federal government maybe doing it, but it was hard to imagine the states could actually politically get away with using their dollars to fund habitat conservation in another country, even though there were good biological reasons for doing that and it made all the sense in the world, but politically it was a little counterintuitive and I thought rather daring actually and it intrigued me. And so when we changed the Foundation establishment law, we allowed the Foundation to then use that combination of federal and private money to support projects in the U.S. and Canada. And I forget, there were like as many as much as ten, or maybe nine or ten states in '88 that matched; I think in fiscal year '88 there was two million dollars appropriated to the Foundation and those two million dollars were matched by two million dollars from nine states. And then Canada in turn matched the four million from the U.S. with four million of its own; that was in '88. And then essentially the same thing happened, I guess, in fiscal year '89, there was another two million dollars appropriated and that was matched with four million from DU and three million from the states and the six million total was matched by 2 million from Canada. So, by that time, you had like fiscal year '89,



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which is sort of '88/'89 period, we're starting to see it really happening. I would really not do this with any other legislation I worked on over the years, but with the North American Act, it's going to sound kind of conceited, I think, but it really is, my creation and I wasn't driven by any outside interests. I think the American Wetlands Conservation Act is the thing I'm most proud of in my career. And I think, in large part, because no one asked me to do it, I just sort of saw that there was a need in there and tried to figure out how to copy basically, or support the success that people had kind of figured out how to do. And I was really just taken by that and was like, gosh, if they can do this then maybe we actually could pass legislation that would make this possible more formally because if the states could get away with it politically then it seemed like we ought to be able to get away with it politically at the federal level and it ought to be doable and you've got DU behind you and the Foundation and you've got others' support then maybe it's really doable. And the other thing was there was concern on my part and my counterparts in the House of Representatives, that the Foundation was becoming the implementing mechanism for the plan. And we just thought that that was wholly inappropriate role for the Foundation. The Foundation was supposed to be kind of leveraging and it was completely appropriate and it's exactly what we wanted the Foundation to do -- to kind of get something like that rolling and be able to provide the kind of flexibility that would do that and kind of seize on

good ideas and put public money together with private money and make them happen; that's exactly what we wanted the Foundation to do. But the Foundation was becoming more and more, through this, it was really starting to become like the entity that was in charge of implementing the North American Waterfowl Management Plan because it really was controlling all the money at some point, of how the plan was going to be implemented; it was starting to dominate the Foundation's work. So and the Foundation, didn't come to me complaining about it but I think they largely agreed moving the funding. Chip Collins at the time, who was the director and Amos Eno was there at that time, and they were supportive of that. And Senator Bob Kasten, who was one of the people who was one of the co-sponsors, the original co-sponsors of the North American Wetlands Conservation Act, was the person on the appropriations committee on the Senate who really made funding projects in Canada possible from his position on the Foreign Ops Appropriation Subcommittee. And so he's the one who managed to engineer the appropriation of federal dollars to the Foundation for operations and coordination.

JOHN: And what state?

BOB: Bob Kasten was from Wisconsin, a Republican from Wisconsin. So he played that very central role in the early days that was really the foundation, the plan, and the appropriations from Foreign Operations; and



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uncharacteristically that kind of originated in the Senate just because that's where the support was. And Alex Echols was the staff person who did that work with Bob Kasten. And so that's sort of how, so that's kind of the long lead up to where we are and that led me, I guess, by November of '88, I had my first kind of outline and it was called North American Waterfowl Management Plan Implementation Act, is what I called it. So I actually thought of this as clearly a planned implementation statute and that's what its purpose was going to be. And I'm going to leave you this early draft and that kind of led to in December of '88, the first draft I did of the legislation which was again an act to implement the North American Waterfowl Management Plan. And that was in December of '88, and there were things there; it was very heavily waterfowl-focused. It did a number of things; it also tried to track very closely the way the plan implementation was structured and basically tried to write into law the way in which folks had envisioned the plan being implemented. So it included sort of legislatively establishing Joint Ventures, and legislatively establishing a plan committee, and legislatively establishing a lot of things that were already kind of being created because I was just really trying to copy and not interfere with kind of what was going to happen.

JOHN: Well, interestingly, in some of our interviews, we haven't had as many Canadians as we'd like but we've had Dr. George Finney, and Jim McQuaig,

who was Harvey Nelson's counterpart a little bit later as the Canadian. Especially George Finney, who helped with some of the early writing of the plan itself, I guess. He said, you know most of us had no real concept of what the Canadians were talking about and what they were going through. We had a much better idea of what went on here, and they said that the mood was much more negative because they just didn't think there was any way that the U.S. would figure out a way to transfer funds across the border. And so it's really, it obviously, as you say, was really a unique idea. And from a migratory bird standpoint and a waterfowl standpoint, makes all the sense in the world. If you're in south Texas and you want to take care of your ducks, the Canadian prairies are an important place to contribute.

BOB: Right, right. But we all know the things that make all the sense in the world biologically, don't always happen.

JOHN: That's right.

BOB: I think that's right. So that first draft of legislation really occurs in December of '88 and then in February of '89, I'm giving you here a memo from me to Senator Mitchell saying I recommend you introduce legislation to protect wetlands, waterfowl, and other migratory birds through implementation of a plan and then put a bunch of background justification for it.

JOHN: So had you talked to him about this before that point?



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BOB: No.

JOHN: So up to this point, you'd been working on it.

BOB: Yeah, but at this point it's an idea. I mean, I was confident I could sell it to him, if I presented it to him and said, "Senator, you ought to do this." And he'd do it, unless there was some real negatives. And I'd lay out some of the negatives, and the only real negatives I came up with, I think, were that I expected, and got some, if not downright opposition then criticism or lack of enthusiasm; I just wrote to him back in, whatever it was, February of '89 that some environmental groups may support or may not support or may oppose the legislation because they may think it is being focused too narrowly on protecting wetlands for waterfowl and duck hunters and not for other resources; that it would be kind of too duck oriented, waterfowl hunting oriented;; that it might not be enthusiastically received or it might even be opposed by some. And that was probably overly negative, but it certainly was lukewarmly received by some general environmental organizations, than say ones you might expect to support it strongly like Ducks Unlimited or something. So then Senator Mitchell just basically gave me the go ahead to circulate a draft in his name, and come back with some interest because I didn't want to stop talking to people.

JOHN: So he just checked yes.

BOB: He just checked yes and then off I went. I mean working for the full committee chairman as well as Senator Burdick, I actually dutifully first asked Senator Burdick, his committee staff director if they wanted to sponsor the bill. And probably not surprisingly given the sort of controversies then and I guess continuing now about wetlands protection, federal wetlands protection efforts in North Dakota was probably too surprising that he didn't do it. Although I saw this as legislation that would be still something that would be quite popular in North Dakota because it wasn't really talking about purchase of easements and things like that, but nevertheless. So having sort of checked that box and in all honestly being quite frankly relieved it was turned down, I went to Mitchell, just as the subcommittee chair and just said, "Would you like to do it?" And he said, "Yeah." Now of course at this time, there's another thing, as matter of fact, I need to correct what I said, because I'm losing track of time lines. So by this time, at the end of 1988, so by the time I'm producing the first outline and the first draft of the North American bill, there's another election. And then George Mitchell is subsequently elected as majority leader of the U.S. Senate, which is a good news/bad news thing for me because he no longer is the subcommittee chairman of the Environmental Pollution Subcommittee dealing with Fish and Wildlife legislation, but on the other hand, he's become the majority leader of the U.S. Senate and I'm still staffing him on those issues on his request. So by this time I went on communicating to him



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and asking for his approval to circulate a draft on his behalf, not circulate but really just be able to sit down with various interests like the states and others.. And Senator Baucus from Montana, who's still, of course, still in the Senate as we speak, becomes the subcommittee chairman at that time. And Senator Baucus also was not interested in doing the legislation, and so in all honesty, frankly, I got the person I wanted to do it, and I was glad about that. And so then, in March of '89, or a little bit prior to March, the Wildlife Management Institute contacted me and that was the year that the North American Wildlife and Natural Resources Conference was held in Washington D.C. like it is every four years. And WMI asked me if Senator Mitchell would be willing to come and give the keynote address at the North American that year. And much to my surprise and delight, Senator Mitchell agreed when I approached him about it. So I took that opportunity to have him announce that he would be introducing the North American Wetlands Act by that time. Just prior to that there's a draft bill of March 15 of 1989 that I did. Here's a copy. What Mitchell said at the North American Conference which is in the transactions published after the conference, is that he'd be introducing a North American Wetlands Conservation Act. So I had already kind of morphed it from being a North American Waterfowl Management Plan Implementation Act to the North American Wetlands Conservation Act and that's the way it kind of stayed, and a lot of that just reflected kind of a shift in emphasis in

terms of the language of the bill talking about wetlands habitat for waterfowl and other migratory birds rather than talking about Plan implementation.

JOHN: And was there, I know you said there was somewhat lukewarm reception from these broader conservation groups, so was there actually discussion and discourse to broaden the purpose or did you just—?

BOB: There was some and there was some interest on the House side, and Gerry Studds's staff in what was then House, Merchant Marine and Fisheries Committee and their subcommittee on Fisheries and Wildlife Conservation and particularly with Gina DeFerrari who works now, has worked for a long time now, for the World Wildlife Fund. And along those lines; and part of it was just a number of things happened. One is as the draft of all, by the March draft about three months after the first real draft, I had pretty much abandoned trying to replicate the Plan processes; the March draft is pretty close to what was actually introduced into what became law. And part of what I did was, is from a practical matter the draft stopped being so much trying to track the plan, implementation kind of structure because I was convinced in talking to people, in talking to Gary Myers and talking to people at the International (IAFWA), Max Peterson and George Lapointe and some others and talking to other people. It was probably just overly prescriptive what I was doing in trying to kind of model what was happening on the ground; In what I was trying to do I



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found I'd be kind of removing a lot of the flexibility, which was what had led to a lot of the successes. And that started to concern me and people convinced me that like what you want to do is not provide too much structure so that this can continue to be creative and evolve; you want to sort of provide money, you want some accountability for how the money is spent and how decisions are made about it, but I didn't want to be overly prescriptive about, in particular, the structure because the structure needed to be fluid. And in retrospect I'm glad that that I did move away from it, so that's one of the big things that changed.

JOHN: And as you say, to me the wonderful thing about Joint Ventures in particular, is there really aren't guidelines and for each particular habitat area, you find the right people and the right issues and then you sit down and get to work.

BOB: Right, yeah, I think so. So in that sense, as I started moving away from the plan, that's also kind of what led to the broadening of the purposes that my interest from, as you can tell from my background coming to the committee at least in this area of the law, was in wetlands conservation. And I would have lots of, I'll call them discussions, to be friendly, but with people in environmental organizations saying, what I'd say is that I wanted an engine that will get wetlands conservation done and waterfowl is an incredible engine to get wetland conservation achieved and that's the

goal here. And so some of that, in just talking to them, and then talking to others in justifying the legislation, kind of led me to recognize, well if that's my goal than why don't we just say that's the goal. And that didn't seem to upset the people at all who were more tied to the plan, like the Foundation or Ducks Unlimited or the Nature Conservancy, or the Fish and Wildlife Service, or the folks with the Canadian Wildlife Service.

JOHN: I remember Dave Sharp, who was the population person on Harvey's first staff. And Harvey talking about, I mean, they had no money basically, at all. They went on a trip to Denver where finance center was and fight just to get enough money to keep going, and pretty amazing.

BOB: Yeah, it was. It was very amazing, and it was a pretty significant problem because you could see, and it's so typical of; often a lot of times, what happens is we do plans and they have goals and all that is very well done and thought out and then we never do anything with them because there's no money to implement them. And that's the kind of thing, that's the kind of thing that I was hoping to change, and I thought one of the things that the legislation would do, would make it more secure and at least we'd be able to ride out the ups and downs and so that explained some of the things that appear on the North American Wetlands Conservation Act. It really has become much less important now than they were in the beginning, but I had been involved



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in the Wallop-Breaux legislation to extend the excise tax to the tackle boxes and all kinds, fish finders and all kinds of things, to just sort of support the sport fish restoration work by the states. And I was good friends with the staff person on the House side, Jeff Curtis, who worked for then Representative John Breaux from Louisiana. And Jeff had really been very involved in doing that and subsequent efforts just sort of garnered the interest that was earned on the Wallop-Breaux Fund, which is an interesting kind of little accounting gimmick, because the money is just sitting there in the federal treasury, it's not really earning interest. But no one had really thought about claiming that money. So once we did that with Wallop-Breaux, I got talking to Jeff about this, and in all honesty, I was thinking about trying to snatch the money on the "interest" earned on the federal aid and wildlife, the Pittman-Robertson money for Section 6 of the Endangered Species Act to sort of help support state efforts on behalf of endangered species but realized that was going to be not doable. Because I had worked on the Endangered Species Act reauthorization in 1988 when we did amendments there and realized that was just politically not doable, but then as I abandoned that in the Endangered Species Act reauthorization, I still had the idea of capturing the interest in the back of my mind and when the Wetlands Act came along I thought well, here's a way to at least make sure there are some federal dollars guaranteed each year that would, that could be matched. And even though it might not be very much

money, if it's matched equally before it goes to Canada and then matched again, then it actually becomes at least a decent size of money or something somewhat respectable. And so that's sort of where that whole thing comes from, the whole idea of capturing the interest on the PR money that sits in the treasury and then the trick was to get it automatically appropriated and then that's where Senator Mitchell's position as the majority leader made me able to go down to Senator's Byrd's staff, Robert C. Byrd, of course, the then Appropriations long-time Appropriations Committee Chairman in the Senate, down to his staff, Charlie Estes, and say, "Look, I'm not going to try to sneak this by you, but will you guys let us get away with this?" And it turned out that they did, even though it's not something appropriators like to do, they don't like authorizing committees like Environmental and Public Works Committee to appropriate money. But they let us get away with it and it wasn't very much. I did the same thing with another pot of money, and this came from, oh, now I'm going to forget his name, from, who's no longer with us, from law enforcement in Fish and Wildlife Service. I can't believe I can't remember his name, I can see him.

JOHN: What level?

BOB: A chief of law enforcement.

JOHN: Clark Bavin?

BOB: Yeah, the idea came from Clark to sort of capture the migratory bird



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penalties money and automatically appropriate it, so that's why that's captured because it gave us again, another little pool of money that we could count on. And I had done this once before with the Emergency Wetlands Act and one of the things I included in the Emergency Wetlands Act was sort of Refuge Entry Fee, using the duck stamp as refuge entry fee and that's why that money was used to acquire wetlands, though ten years later that was changed but by the appropriations committee. So I had some little history of trying to do automatic appropriations from an authorizing committee, and so that's where those two sources of money comes from. And, of course, there was a sort of a general authorization but it was really my expectation that Congress would never appropriate very much on year-to-year basis and particularly given my experience and frustration with Section 6 of the Endangered Species Act and how monies would just be, in some years, be zeroed and it's very hard to build programs when you have some years you have no money and some years you have some money; there's not enough stability there to really sustain programs, so I was worried about that and that's why the two little, the fairly small, fairly small contributions to the law now were so important to me at the time and that's why they're in there. So a lot of the changes between drafts and introduction really just had to do with sort of broadening that emphasis. And I guess the other thing, maybe I should just jump to, and the other thing, I suppose, most important to me about all of this really was, was the allocating

money to Canada. The thing that really made this something that I wanted to do and wanted to spend a lot of energy on, on Senator Mitchell's behalf and others, was that I just didn't see it likely any significant, ongoing federal money would ever be appropriated for projects in Canada; I shared the Canada's pessimism, quite frankly, to some extent, everyone was pessimistic about whether we would ever provide much in the way of dollars going to Canada. If the plan was right and that somewhere around 3.7 million acres or somewhere close to 4 million acres needed to be protected in Canada and maybe half that in the U.S., how was that going to happen? So that, for me, was the driving importance of things that made me want to do the Wetlands Conservation Act was just we had to get money to Canada, that's the whole point in doing this. I'm not interested in doing another statute that authorizes wetland projects in the U.S.; it's just we've got plenty of statutory authority to do that, there's no need for that. And so that's kind of what was driving me and that's where, originally, I drafted this; it was like 70%, was that you couldn't do greater than 70% in Canada and you couldn't do, you had to do at least 30% in the U.S. And then as I talked to people, they kind of, then the way legislation was introduced and really remained was that greater than 50% had to go to Canada and less than to or equal to 70%. So there was more of a range for the U.S. where it was like 30 to 50. So all I did really was just take my hard percentage and say okay we need to allow more—



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JOHN: A little more flexibility.

BOB: --flexibility than that. And, of course, that's been, particularly in latter years, I mean it's surprising it stood up as well as it did, but certainly been a point of contention, there's been continual pressure to back off of that. And there was concern about whether the Canadians could actually come up with the dollars to match and that was one of the other things that convinced me, even on the Canadian's part, from talking to Jim Patterson and others. And the Canadian Embassy was really a big help here too, interestingly enough. They helped facilitate a lot of meetings with Canadian officials and to some extent wanted to make sure they were included and we weren't just meeting with Canadian officials.

JOHN: Well, I think a lot of people don't realize that there's not that many people in Canada and they don't have the kind of funds that we have, but also, I fell into this category myself, I assumed having been up there, and their wonderful habitats and stuff, that they were environmentally more restrictive in the U.S., but they're not. And all the more important to be able to help and leverage this kind of wetland conservation north of the border.

BOB: Yeah, I mean very much so in terms of their agricultural practices, there's not much of a border there when you get out into the prairie, it looks pretty much the same, so that kind of, there was concern about that. The House actually passed a measure that lowered

the minimum to Canada to 40% so you could see there were constant pressures to hold down that amount going to Canada. And it was a little bit hard to argue against because people would say, well, there's way more need in the U.S. than we have money to fulfill so why shouldn't we use more of this money in the U.S. frankly. I mean we could have used it for U.S. needs, but I just sort of grit my teeth at the idea, and I just wanted to do what the plan wanted us to do and not do what is so typical of Congress which is a political kind of judgment which says we have to distribute the money equally and every state ought to get some portion of the dollars. And that's very easy to do politically, obviously.

JOHN: And even within agencies, because it's so difficult to, you know, you get a new appropriation or you get a new add on or whatever, and in a program like Migratory Birds and you've got these different regions and they all have their priorities and you get into these long discussions and finally somebody says, oh, let's just divide by eight and get on with it.

BOB: Right, right, because that's the kind of easiest to fall back to, yeah, it's not peculiar to Congress at all; that's sort of the way we work. Well, there are other things, as I initially drafted the legislation, I mean a couple of the significant changes that occurred that can be seen in the February '89 draft that actually came from legislation. And this is a copy of the actual recommendation to Mitchell to introduce the legislation



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along with his statement and talking point stuff. But I thought his bill did his summary so that's kind of a nice thing and his actual statement and introduction, we kept our word and we got this introduced, not long after the North American, very, very shortly after the press release thing. And it was introduced, I think it might have been introduced in early April, if I remember right. And there were statements too, in the Congressional Record for early April of 1989 about that. And then by June the subcommittee is marking up, that is getting ready to recommend that the bill be sent to the full committee for approval and with some amendments and that happened in June of '89. And around about that time, Gerry Studds on the House side, introduced basically companion legislation to the Senate version of the North American Wetlands Conservation Act. And sort of as a result of that a couple of things happened. One is that they included Mexico, because of Gina DeFerrari's, the staff person for Studds, interest and knowledge and just a blind side for me, sort of south of the border.

JOHN: Okay.

BOB: And so she inserted in their legislation, or their substitute, I not sure which, when they actually did the bill on the floor of the house, but in any case, out of the House version of the bill that followed after the Senate marked up its version, there was language saying the purpose of the legislation to implement the North American Plan, but also to implement the tri-partnered agreement

among Canada, the U.S. and Mexico and trying to bring Mexico in with recognition that maybe projects from Mexico would be different kinds of projects to some degree; so that happened. The other thing that happened is, once Mr. Studds and actually Mr. Davis from Michigan, Gerry Studds was from Massachusetts, the Fisheries and Wildlife Conservation subcommittee chairman in the House. But once they introduced their legislation, then John Dingell and Silvio Conte, two prominent members of the House, a Republican and a Democrat, who were also members of the Migratory Bird Commission, focused on the legislation and did not like the fact that the structure of the law of the way I had set it up was that a commission for what would now be the council, the North American Wetlands Council, the commission would make recommendations to the secretary about projects and that would be the chain of approval on the process. And Mr. Conte and Mr. Dingell probably thought that that ought to be the Migratory Bird Commission making that decision, not the secretary and in retrospect, I think they were right; it was a better choice. And so what happened was that we wound up modifying the Senate bill to make that change and in part because it was just political reality, it was going to have to happen for it to become law. And there was no real reason to oppose it at all, it made a lot of sense.

JOHN: Well, and that group would have background, having dealt with migratory bird issues, so it makes sense.



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BOB: Right, it makes sense. And because it included members of Congress on the commission, of course it included, it also brings with it some political support that you might not otherwise have or the legislation on a project, so in that sense, it made sense. And so the sort of commission that I had envisioned, became what I renamed the council and then just substituted the Migratory Bird Commission for the Secretary. So those were the two principal changes that came out as a result of the efforts in the House when they introduced and considered legislation that was modeled on the North American Wetlands Conservation Act that was being considered in the Senate. So that's kind of how that happened, and as a result, and the way I had it, there were no criteria initially on projects but a Council that would prioritize and decide on projects was enacted partly because of my concern that the Migratory Bird Commission brings, from my perspective, a downside which is that it has its brings its own set of biases and political influences to the migratory bird decision-making process. And then it also could lead to just incorporating the no acquisition in the state without the agreement of the state, kind of language from the Migratory Bird Conservation Act. So that was all baggage that I wasn't necessarily interested in. So when we did it, we wanted to, I wanted to sort of insert criteria on which projects would be recommended and to try to constrain the commission pretty much. I had the secretary to kind of thumbs up or thumbs

down on the project and to provide a reason why but that was the kind of effort there to kind of ensure a little more rigor into the decision-making process and there wouldn't be too politicize. I don't think there were other changes; most of the broadening legislation occurred before the first introduction to the Senate. And I think if you really want to know, it's certainly true that even as a bill is introduced, most of the people introducing the bill were still, in the House and the Senate, were still saying that it was a bill to implement the North American Waterfowl Management Plan. That's what Mitchell's statement says because I wrote it, and Chafee's statement and I said the same thing and over on the House side, Studds's statement says the same thing. So it clearly was the thing that was most on people's minds, was that it was still to implement the habitat provisions of the Plan. And if you want to know what the purposes of the bill really are, you can follow the money and you can see that the purpose of the bill is to funnel money to, particularly, to the prairies of Canada for protection. So I don't know that, I don't think there's anything else that I really want to cover on the bill. This is a memo on what I did from me to all of the members of the Environment and Public Works Committee that makes some of the amendments at the time of markup.

JOHN: Anything of significance?

BOB: Most of those amendments were all minor and markup is where we had already, and this is before the House had



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acted, but I was already aware of the Conte and Dingell had a bill that would substitute the Migratory Bird Commission, and the House bill, Studds's bill, already had the tri-partied agreement, so those were the two big changes that were made when the Senate went to markup and that was in July. So that's pretty fast from introduction from April to full committee markup in July, and there were other things. Originally, as written, the North American Wetland Act had a provision called Refuge Revenue Sharing, which said that there couldn't be any, I'm not sure I'll get it right because it's kind of a hold over, but anyway, it basically prohibited additional acquisition of wetlands in the U.S. unless they were refuge revenue sharing was funded at a 100% because the Payment in Lieu of Tax Payments [PILT] was a constant kind of issue.

JOHN: Yeah, and I think still are.

BOB: And I think with refuge acquisition—

JOHN: Even though in some places the PILT is higher than the property taxes would be and other places it's way low.

BOB: So that was an issue and that was put in there to assuage Senator Burdick's staff's concerns and it got dropped in the end because of the objections of the House, and here's one of those things that just kind of happens, that Senator Burdick's staff would have considered to be a hostile amendment; I considered to be a friendly amendment and when the House "insisted" on dropping it because

Dingell and Conte wouldn't go along and neither would Studds, and so I could just represent accurately to Burdick's staff that, which I was one, but to senior staff that it's going to kill Mitchell's bill if you insist on this and frankly they didn't care that much. And the other thing was that the North American Wetlands Conservation Act just wasn't meant to be principally another acquisition statute but to be directed less to acquisition than other kinds of wetland conservation projects.

JOHN: Well, a lot of money from NAWCA has gone to North Dakota.

BOB: I know, there were a lot of other good arguments, so that was something that the Senate "yielded" to the House when the Senate passed; I did an amendment for the floor of the Senate that dropped that refuge revenue sharing provision out of the S. 804, which was the bill that became law. Because what I wanted to do was pass something in the Senate that I knew the House would agree to, so the House wouldn't have to further amend it and send it back to us. I wanted to make sure that we were all copacetic on what the Senate passed and then we could just ship it to the House, they'd rubber stamp it, be good with it and there wouldn't be any objections on that side. That's the approach taken with almost all fisheries and wildlife conservation bills. They don't have roll call votes and differences between the House and Senate aren't resolved by conference committees. I would certainly say, from my own highly biased perspective, NAWCA didn't turn



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out to be a non-significant piece of wildlife legislation; I think it's quite a significant thing, but at the time it was pretty insignificant from most people's perspective in the Senate and in the House as well. And those kinds of things have to go by unanimous consent in the Senate and the House, neither the House or Senate are going to spend time on the floor debating it or bringing it up for consideration, they just have other things to do. As long as no one objects in either body, and that's almost how everything works in the Senate, even back then; you're good as long as no one objects. So that what happened and that's how the bill got passed; we had some problems with the administration, which is reflected a little bit in, they were never enthusiastic about the legislation and wanted to basically, they did like the idea of using the interest on the Pittman-Robertson Federal Aid in Wildlife Restoration fund, but they didn't want any of the other stuff surrounding the legislation. They didn't like the creation of a council that would recommend projects, but the council was a way to get by-in and it had to be groups; initially when I first drafted it, it had to be groups who were actively participating in implementation of the plan. And that time that pretty much meant DU and TNC, and also the Foundation was included because after all, we were kind of, to some extent, pushing the Foundation out of the way in its role that it had played in the plan. So those entities were included but then also as the act broadened and in part due to the influence of the House, Studds's folks, Gina in particular, to include

groups who were actively involved in implementing either the plan, the agreement, meaning the tri-partied agreement which made sense with the addition of that, or of the act. So it could just be groups that were actively involved in implementation of the act and not to the plan per se, and that was a part of broadening process to kind of not have it be slow tailored a single waterfowl plan.

JOHN: And so you think if that had not occurred, it would have been much more difficult to get the consensus and get the act passed?

BOB: I think it would have been. I don't know if it was ever a sticking point where, and it was never really a point where people came to me or DU or TNC's Mike Dennis, who was their legal counsel for a long time. Where if either one of those came to me and said, "We're not in on this unless we're included on a council." But I kind of started from that premise because you can't have attended the implementation meeting or the international meetings or the North American meetings without seeing that was making it work was this synergy among the private, state and federal parties. We obviously needed the private money as well as the state money, as well as the federal money to make this really work. And so I just wanted to make sure that we maintained that. The reason it was important for me to say groups who were actively involved to be implementing the plan was, I wanted to make sure we didn't end up with a council that just had



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groups on there that were environmental groups or were hunting groups or whatever kind of group they were, who weren't really engaged in putting their money where their mouth was. And it kind of evolved from that, and understandably, I mean there wound up being groups, such as Audubon, that were not so actively involved, but also one of the things that happened was that as result from the Joint Ventures efforts, there were more and more groups who were actively involved in implementing the plan and the act and everything because that's the great strength of the Joint Ventures because they looked for broad participation; and there were certainly local Audubons that were heavily involved. And a lot of other groups because that was the real strength of the Joint Ventures was they just—

JOHN: Everyone was unique and they did what they needed to do in that particular area.

BOB: Get as much support as you can, as broad a support because the broader your support, the more attractive you are to being funded.

JOHN: I had kind of a unique perspective on that because I was on four technical committees simultaneously, I don't think anybody else has had that opportunity. I'm the first Prairie Pothole Joint Venture Technical Committee, the Rain Water Basin in Nebraska, Playa Lakes and then I was the first U.S. Technical Committee member from the Service on the Arctic Goose Joint Venture. And one of the

things I kept reminding people is we're sharing these same resources on all of these joint ventures is we've got Arctic breeding, we've got prairie breeding, we've got migration and we've got wintering. And then I wasn't directly involved in the Gulf Coast but I worked with all those people because I was in the flyway system all the time. I kept reminding people, you know, it's an annual cycle here and you guys need to be talking back and forth because if you mess things up on the gulf coast why we can crank out as much as we want up north, but we've got problems.

BOB: Right. I think it's one of the places where the resource actually sort of helps us dictate what we need to do to make it work. This is a copy of a good side-by-side of the House bill and the Senate Bill S804, which is the one that became law. So just sort of shows you what provisions were there. And then here is a copy of just one of the amendments we did on the floor, which shows my broader wetland conservation perspective. One of the provisions that appeared in this S804 when it was introduced when I included it, said, "In the consideration of land disposal alternatives," this is for "the head of each of such agency", that is the head of each federal agency when considering land disposal alternatives, "should give priority to the transfer of real property for conservation purposes that would contribute to further instances of the purposes of this Act and the goals of the planned agreement." We say you should give, if BLM or whoever is sort



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of dumping federal property, then you ought to give—

JOHN: Or their values that would further this.

BOB: Further the conservation of migratory birds and further the conservation of wetlands that should result in that land going to the Fish and Wildlife Service.

JOHN: Did that stay?

BOB: No, I put this in there, but Chuck Grassley who was Senator from Iowa, wrote a letter to Senator Mitchell basically saying, great bill, but I have a concern about this provision. He was one of those in the camp that was concerned about the Fish and Wildlife Service acquiring too much land and didn't like it. And so there's my recommendation to Mitchell to drop the provision because again it has to go for the unanimous consent and it wasn't that important a provision.

JOHN: But it was a good try.

BOB: It was a good try, exactly. It's one of those things that falls in that category, it was a good try. This is a statement on the amendments were made at the time of final passage to kind of do things like that and bring it into conformance and then a final summary memo, final passage was in November of '89 so really, just about one year from the date I first wrote the outline that became law so only that year.

JOHN: And I don't have any experience with this, but you said earlier that that's fast.

BOB: It's very fast. Part of it is that, sort of like that old saying, "If you want to be a leader, find a parade and get in the front of it." And that's all I really did with the North American Wetlands Conservation Act, there was a great parade that already had started.

JOHN: Support was building.

BOB: Yeah, support was building and I just built on it; that effort in trying to implement the plan had already pulled in a lot of the key players, a lot of the key players politically as well as just in terms of actually getting the job done. And so it was very helpful, for instance, to have TNC as well as Ducks Unlimited because TNC kind of gave it a different, non-duck hunter's perspective. And the fact that they were actively involved and supportive meant that this wasn't just something that was all about killing more ducks and that kind of thing. So already the right political basis, as well the right resource basis was pulled together by the folks implementing the plan. And so by doing that, it kind of just made it happen relatively quickly within the legislation as well.

JOHN: But it really, I mean, there's no way you can even think about where we would be without NAWCA today, as good as idea and as much synergy as there was, we needed; even though it was broader, as you say, still obviously you started out to fund the



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implementation of a plan and it has been doing that and some other good things besides.

BOB: Right. I think the hope was, in some way, to also kind of help in some sense or bend the plan to the act a little bit too, to sort of broaden the plan.

JOHN: Which has happened.

BOB: Because it is that kind of back and forth kind of thing. So that happened and I think the only other real addendum to this is less well known; I don't actually have the supporting documentation with me so I'm not sure I'm going to recall the dates entirely correctly. But in around '91 or '92, maybe as late as '93, but anyway early '90's, I started working with Senator Breaux's staff -- I was on the Senate EPW committee still -- on what's called the Coastal Wetlands Planning and Protection Act or something like that, roughly, which I did not draft, Senator Breaux's staff drafted a lot of that and I through our committee ended up drafting some. But one of the things it did, was it took the tax on sale of gasoline for off road usage, but not motorboats, because motorboat fuel tax was being captured by the Wallop-Breaux Fund. But the Coastal Wetlands Bill captured more dollars from the remainder of that money for off road sales for coastal wetlands protection, and it was directed at Louisiana, at coastal Louisiana wetlands protection. But when we did the money, one of the prices I extracted was, and I don't remember how we did this, but a portion of that money, the sort of

conditions that I on behalf of the EPW Committee imposed which Paul Carothers, the staff person for Breaux, was not opposed to nor was Senator Breaux himself, was to capture some of that money for the North American Wetlands Conservation Act. And so that's where that money comes from. The House representative, Congressman Gerry Studds, and his staff, Will Stelle, wound up insisting that the money be targeted for wetland conservation projects in the U.S. And so that money was the one set of money that wound up kind of getting targeted in a way that I was fearful that all of the NAWCA money would, but I just couldn't stop it; it was that or nothing. It freed up money elsewhere though.

JOHN: You already had jumped the hurdle that you were concerned about, so not a big deal.

BOB: And to some extent it freed up money that, the money was going to coastal projects and maybe it freed up some money to go to other kinds of projects. And it wasn't like there wasn't a lot of coastal wetlands in need, and when you can look at how many states are coastal states, legislatively defined including the Great Lakes states, but it winds up being a lot of coastal states so it's not that big of impediment away. So that was the other little thing that happened, the other pot of money that is oftentimes not thought of as being part of the North American Wetlands Conservation Act, was the other source of money that comes in. And then, of course, the authorization for the



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appropriations just wound up growing and got to continue to grow, they got to pretty high levels on an annual basis. And the other person that deserves some credit there was Senator Stevens on the Appropriations Committee who was quite supportive of that and to some extent that's because Scott Sutherland with DU was married to Lisa Sutherland who was with Senator Stevens's staff so that helped; a connection there that helped.

JOHN: One question I had; just a little bit ago you said you talked a little bit about opposition from the administration. Take us back, who was the Secretary of Interior and what administration?

BOB: So this was obviously the administration of the first President Bush.

JOHN: Okay.

BOB: Because we're in '89, roughly a year, or actually he's really in his first year in office. Secretary of the Interior is Lujan at that time. Fish and Wildlife Service Director is Steve Robinson, is that right?

JOHN: No, I think he was maybe an assistant secretary. We'll get a chance to kind of think of it. Would it have been Bob Jantzen?

BOB: No, it was...

JOHN: Oh, I know who, Frank Dunkle was in there '88, '89, was the Director.

BOB: I remember we had—

JOHN: I remember the name Steve Robinson but I think he was in a different role.

BOB: Could be, maybe he was in a different role.

JOHN: I remember this because '88 was a drought period and that's when I moved to Denver and one of the few times I've ever seen the Director actually didn't accept the Service Regulations Committee's recommendations on hunting seasons and made them more restrictive, which was pretty interesting. But we'll get a change to look at this transcript and add clarifications in brackets.

BOB: Yeah. I did not bring it; I do have the letters from the administration. The only change we wound up doing was; well, here's a news article and it quotes poor Phil Million having to defend the Fish and Wildlife Service's position. Oh, Steve Robinson was the Deputy Director, he's the one —

JOHN: Okay, okay.

BOB: That's what he was. He testified, this would have been in June, the administration will not support specific proposals for wetlands conservation measures such as Mitchell's bill until an interagency task force is formed to look at the bill's implications and Robinson denied holding off everything until the task force was named but when pressed



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by Max Baucus he added that, in his personal view, the Administration had not done enough. The task force, which will be appointed “any day will be made up of high level officials from the Interior Department,” Robinson said.

JOHN: Interesting.

BOB: I don’t think that task force was ever created.

JOHN: No, I don’t think so.

BOB: I think the thing is there was politics going on there and it was just, wasn’t just politics on their part, it was politics on our part was well. And they were trying to come up with their own wetlands initiative that would argue that the legislation wasn’t necessary and the thing was that all the political support, because of the way the Plan Implementation had built it, all the political support was doing what the plan was doing.

JOHN: It was already in place.

BOB: The support was in place and we were capitalizing on it and they were trying really, administration was caught in a position of not wanting to agree to a Democrat’s kind of bill.

JOHN: Exactly.

BOB: And so actually, I mean the one thing I do have regret and I brought it on at least much myself as much as it was the administration, that when President Bush signed the bill into law I was not

present; the only staff person from Congress that was invited was the Republican staff person for Silvio Conte, which was probably just payback since I hadn’t been terribly complimentary to them to what I perceived as not being supportive of legislation.

JOHN: I know enough that that’s not the only time that something like this has happened.

BOB: No, no, not at all.

JOHN: But you should have had a pen.

BOB: Yes [laughing].

JOHN: Maybe we’ll be able to find you one, one of these days.

BOB: Well you know, the thing is, for me and I don’t know if it’s my own revisionist kind of history, but for me clearly the person that I think of whenever I think of the North American Wetlands Conservation Act is Gary Myers, because Gary is the one who inspired me to do it. He didn’t say, you need to do a bill, Bob, but I would come to talk to him and I remember first coming to Gary and saying, “You know Gary, you can be put in jail for doing this if you were on Wall Street or something,” which was naïve on my part. As it turns out, you don’t get put in jail for anything obviously. But I was just so amazed at what sort of looked like, in some ways kind of Ponzi scheme or something, a pyramid scheme and it’s just like, is this really legitimate? And



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Gary just had that infectious enthusiasm that really he still has.

JOHN: Time and time again, his kind of quiet influence, he's not a boisterous, pushy person, but his fingerprints are all over, not only this, but expansion of the horizons into other bird species and everything else, even though his background is in game.

BOB: Yeah, even in fish, in fish habitats. So yeah, I think watching him, and others, Willy Mollini and others actually, watching them kind of control the other states and kind of, you know the way they do, and they were successful at it and for the most part, it wasn't a hard sell because the directors, for the most part, are every bit committed as anyone else to the goals; it wasn't like it was a tough sell, but it was a tough sell for them, each of them politically. I would have not relished the idea of going to my governor and going to my commission and sort of saying, look here's what we want to do. I mean it's the kind of thing that states can be a little parochial about at times, and it turns out they weren't. So Gary Myers really was sort of, for me, a real inspiration and as I started out, and I don't know if I actually said it or thought about saying, but I mean I don't; I've worked on a lot of pieces of legislation, the Oil Pollution Act of 1990, I did the last Endangered Species Act reauthorization, which was done now in 1988. And I wrote a lot of that, but the North American Wetlands Act really just stands out because it's; it sounds egotistical, but for me what I take so

much satisfaction in is that I just thought up the idea and just sort of made it; I didn't think up the idea of how to do it, but I just thought up the idea of why don't we do legislation to try to do this. And then sort of made it happen with everyone else's help, and without having George Mitchell being the majority leader, it maybe it still happens that the subcommittee chairman, it probably still does, but it made it easier. But obviously, it takes a U.S. Senator who's willing to invest a little bit in it, and Mitchell was willing to invest a little bit in it. He was willing to go to North American Wildlife Conference, which is politically not a big plus for him, for a majority leader to spend his time at a wildlife natural resource.

JOHN: No, that's pretty unusual.

BOB: Yeah, and it's not, their head's usually in different places than that, it's not just a big enough issue or enough people. But he was willing to do that and, of course, it was in D.C. which was essential, but he was willing to do that and willing to talk about it and was always very supportive of doing it. So it takes that and it certainly all of the partners, DU and TNC, were terribly helpful so was the foundation.

JOHN: Well, we talked, I may have told you this, I may not have. But we did interview Chip Collins last year in Massachusetts, we were going back there to interview a couple of the original Joint Venture coordinators. A good friend of mine, who was Dave Sharp, who was the waterfowl



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population guy on Harvey Nelson's staff at the beginning, happen to be sitting in DIA with a Central Flyway shirt on and Chip walked up to him and said, "Dave?" And Dave looked up and said, "Chip?" And neither one had any idea of where the other one was and we found out he was in the Boston area and we were planning this interview and so we knew the foundation, he was there at the time and they were integral in this whole thing. So he came over and sat down and visited with us on that.

BOB: Yeah, that's great. And I left in '93, the end of '93, I left to go to become the Deputy Assistant Secretary for Fish and Wildlife and Parks in Interior for the first Clinton term.

JOHN: Okay, for the entire term basically?

BOB: Yeah, and then I left at the end of '96.

JOHN: Okay, so I was about to ask you to tie this, what have you done since then? What brought you to Corvallis after being the Assistant Secretary?

BOB: I left that job in '96, and my wife and I, my wife, Kate Kimball, was working as the Deputy Assistant Secretary for Oceans and Atmosphere at NOAA. And we both just decided to pack it in and had had kind of enough with D.C., we both been in D.C. for over twenty years at that point, or almost twenty years and wound up moving to Oregon, initially we had friends there. And then I started working for the

Wildlife Management Institute as a Northwest field representative.

JOHN: Okay, like when Chuck Meslow retired?.

BOB: So I took Chuck Meslow's position that Chuck Meslow had held. And did that for a number of years, maybe seven years or so. Partly through that, my wife and I moved to Corvallis, which was not the direction most people would move, which was from sun and dry to wet and cool, but we like Corvallis a lot. And since moving to Corvallis, I've done some teaching, I teach a Fish and Wildlife Law and Policy course at Oregon State and am working as an instructor there right now on a part-time basis to teach courses a couple times a year. And I ended up, the last several years before I was, after I left WMI, I end up working for Jamie Clark as a senior advisor to her at Defenders of Wildlife and working out of here mostly on endangered species issues and some climate change related.

JOHN: Are you still with Defenders?

BOB: I left Defenders two plus years ago now I guess, so I'm just teaching at Oregon State now and I just recently finished developing an online course on Wildlife Law and Policy. I don't teach North American Wetlands Conservation Act, but I probably should.

JOHN: Maybe we can fix that, put together a course through NCTC. That's great. Again Bob, I thank you so much for this; this adds so much to what we're



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trying to capture here and really nice to get to know you better and we'll probably be in touch and ask you some more. And you and I will get to go over this transcript sometime there, it takes a while; to fix spellings, and you can parenthetically put in additions or whatever. So thanks very much.

BOB: You bet.